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(List of Additional Counsel Attached)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOCAL 10, INTERNATIONAL LONGSHORE)
AND WAREHOUSE UNION, et al.,)

Plaintiffs,

vs.

CITY OF OAKLAND; et al.,)

Defendants.)

File No. No. C 03-2962 TEH (JL)

Hon. Thelton E. Henderson

**STIPULATION AND ~~(PROPOSED)~~ ORDER
DISMISSING INDIVIDUAL OFFICER
DEFENDANTS WITH PREJUDICE AS TO
PLAINTIFF MARK DEGIERE ONLY**

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C03-2962 THE (JL)**

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STIPULATION

IT IS HEREBY STIPULATED by and between the parties, Plaintiff MARK DEGIERE, and the Defendants CITY OF OAKLAND, RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO, through their designated counsel that the above-captioned action entitled Local 10, International Longshore and Warehouse Union, et al., vs. City of Oakland, et al, and numbered C 03-2962 TEH (JL), be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(1), as to all of the claims of plaintiff MARK DEGIERE ONLY, against the individual officer defendants ONLY, whose names are listed as follows:

RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO.

It is acknowledged that MARK DEGIERE's claims against the CITY OF OAKLAND are to be resolved pursuant to his acceptance of the CITY OF OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to California CCP § 998 dated February 17, 2005. This dismissal with prejudice of the individual officer defendants is a condition of that offer of judgment and offer to compromise.

1 Dated: March 29, 2005

2 /s/ James B. Chanin

3 JAMES B. CHANIN

4 Attorney for Plaintiffs in Local 10, et al.

5 Dated: March 24, 2005

6 /s/ Gregory M. Fox

7 GREGORY M. FOX

8 Attorney for Defendants City of Oakland et al.

9 **ORDER**

10 Having reviewed the stipulation of the parties, and good cause appearing therefore

11 THIS COURT ORDERS THAT, pursuant to the parties' stipulation and the CITY OF
12 OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to
13 California CCP § 998 dated February 17, 2005, and plaintiff MARK DEGIERE's acceptance thereof,
14 Plaintiff MARK DEGIERE's action No. C -03-2962 THE (JL) shall be and hereby is dismissed with
15 prejudice as against the following defendants ONLY: RICHARD WORD, PATRICK HAW, ROD
16 YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E.
17 TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M.
18 RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M.
19 MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM,
20 SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F.
21 UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E.
22 ROMANS and OFF. C. DELROSARIO.
23

24 BY STIPULATION OF THE PARTIES, IT IS SO ORDERED.

25
26 6/10/05
27 DATE

28 Thelton E. Henderson
THELTON E. HENDERSON

UNITED STATES DISTRICT JUDGE